

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.3743 OF 2006

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Dated: 27-02-2006

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Between

Muzaffaruddin Khan,

S/o. Mr. Naseeruddin Shah,

Occ: Business, R/o.10-2-289/101,

Shantinagar, Hyderabad.

...PETITIONER

AND

The Assistant City Planner,

Circle No.1, MCH, Sardar

Mahal, Charminar,

Hyderabad and another.

...RESPONDENTS

ORDER:

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Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner submits that he is the joint owner of the property mentioned in the writ petition and that the respondents without following due procedure prescribed under the law and

without paying any compensation either by way of private negotiations or by way of initiating land acquisition proceedings are proceeding to take away the property, which is in utter violation of principles of natural justice as well as Sections 146 and 147 of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act').

This Court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law.

Having regard to the facts and circumstances of the case,
this writ petition is disposed of directing the respondents not to demolish the structures or take away any portion of the properties of the petitioner and not to dispossess him without following due process of law either under Section 146 or 147 of the Act or by private negotiations or by initiating the proceedings under the Land Acquisition Act, 1894.

V. ESWARAIAH, J

February 27, 2006

Note: Furnish C.C. of the order by 28.02.2006

(B/O)

DSK